

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
JULY 19, 2011  
7:00 P.M.**

**I. CALL TO ORDER**

Mayor Hovland called the meeting to order at 7:01 p.m.

**II. ROLLCALL**

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

**III. MEETING AGENDA APPROVED**

**Member Bennett made a motion, seconded by Member Sprague, approving the meeting agenda.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV. CONSENT AGENDA ADOPTED**

**Member Swenson made a motion, seconded by Member Brindle, approving the consent agenda as follows:**

**IV.A. Approve regular and work session meeting minutes of July 5, 2011.**

**IV.B. Receive payment of the following claims as shown in detail on the Check Register dated July 7, 2011, and consisting of 40 pages; General Fund \$99,945.55; Communications Fund \$4,950.13; Police Special Revenue \$2,689.97; Working Capital Fund \$11,225.19; Equipment Replacement Fund \$196.65; Art Center Fund \$15,102.79; Golf Dome Fund \$1,296.41; Aquatic Center Fund \$32,510.44; Golf Course Fund \$23,486.92; Ice Arena Fund \$16,953.74; Edinborough/Centennial Lakes Fund \$22,299.46; Liquor Fund \$262,423.60; Utility Fund \$174,453.91; Storm Sewer Fund \$3,692.29; PSTF Agency Fund \$4,130.90; TOTAL \$675,357.95 and for approval of payment of claims dated July 14, 2011, and consisting of 28 pages; General Fund \$350,473.38; Communications Fund \$6,312.47; Police Special Revenue \$6,064.94; Working Capital Fund \$76,604.87; Equipment Replacement Fund \$15,088.12; Art Center Fund \$46.03; Aquatic Center Fund \$13,190.02; Golf Course Fund \$37,043.35; Ice Arena Fund \$28,015.26; Edinborough/Centennial Lakes Fund \$12,988.92; Liquor Fund \$202,892.53; Utility Fund \$399,555.46; Storm Sewer Fund \$5,863.33; PSTF Agency Fund \$2,408.66; Payroll Fund \$5,032.19; TOTAL \$1,161,579.53; and, Credit Card Transactions dated May 26 – June 27, 2011; TOTAL \$13,905.96.**

**IV.C. Adopt Resolution No. 2011-71, Approving Lot Division at 4213 Morningside Road and 4212 Branson Street for Randy Doroff.**

**IV.D. Contract, No. ENG 11-11, Maloney Avenue Reconstruction, awarding bid to the recommended lower bidder, Midwest Asphalt Corporation at \$261,115.40.**

**IV.E. Request to Purchase: Well No. 4 Pumping Facility Maintenance, awarding the bid to the recommended low bidder, E.H. Renner & Sons at \$44,296.00.**

**IV.F. Request to Purchase: Emergency Sanitary Sewer Repair, awarding the bid to the recommended low bidder, Minger Construction, Inc. at \$47,500.00.**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**V. SPECIAL RECOGNITIONS AND PRESENTATIONS**

**V.A. DECISION RESOURCES PRESENTATION MADE – 2011 QUALITY OF LIFE SURVEY**

Manager Neal reviewed the process by which the City determined to conduct a Quality of Life Survey.

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Dr. William Morris, Decision Resources, Ltd. presented the results of the 2011 Quality of Life Survey of 400 households. Dr. Morris described the demographic changes that had taken place in Edina since the last Quality of Life Survey in 1999. He reported that most of the residents contacted agreed to participate in the survey, and they expressed a very high degree of satisfaction with the quality of life in Edina, general direction of the City, City Services and City staff. Dr. Morris noted the percentages of respondents rating the quality of life in Edina as excellent or good were the highest found in any of over 100 cities surveyed by Decision Resources. Areas in which respondents expressed less satisfaction included increased perception of property taxes as high, lack of redevelopment in the Southdale area; street repairs; taste of the drinking water in two quadrants; high number of condominiums/townhouses; and, need for affordable starter houses. Dr. Morris indicated that when Decision Resources first opened in 1983, it called on city managers to prospect potential business and the Edina City Manager indicated that Edina did not need a Quality of Life Survey because it defined the quality of life. Then, in 1999, former Manager Gordon Hughes invited Decision Resources to conduct a survey. The results of that survey found there was some truth to the previous manager's statement with 81% rating the quality of life to be excellent. This time the survey found corroborating evidence that Edina was the "pace setter" for establishing quality of life.

The Council discussed the survey and asked questions of Dr. Morris. With regard to regularity of conducting a survey, Dr. Morris recommended communities undergoing growth to survey every two years with more stable communities such as Edina to survey every three to four years. The Council thanked Dr. Morris and Decision Resources, and Edina residents for their participation in the survey. Council members expressed their appreciation for residents' positive responses. The Council recognized staff as being highly regarded and thanked them for the great job they do for the City. Support was expressed for conducting a community survey every two years so results could be used, in conjunction with other data, for budget analysis.

### ***VI. PUBLIC HEARING HELD***

#### ***VI.A. SITE PLAN AMENDMENT APPROVED – EBENEZER YORK ASSISTED LIVING LLC – 3451 PARKLAWN AVENUE – RESOLUTION NO. 2011-72 ADOPTED***

Affidavits of Notice presented and ordered placed on file.

### **Planning Director Presentation**

Planning Director Teague presented the request of the Ebenezer Society to amend its approved site plan for a 76-unit, 4-story senior housing project at 3451 Parklawn Avenue to relocate an existing "air cooler" air conditioning unit to the east side of the recently constructed building. It was noted this air conditioning unit had not been identified on the submitted site or building plans. Staff had recommended 8-foot tall arborvitae; however, the Planning Commission recommended 10-foot tall arborvitae. Mr. Teague advised the Planning Commission recommended approval, on a 6-1-1 vote, subject to findings and conditions as set forth in the staff report dated June 29, 2011.

The Council noted the current location was near an existing chiller and suggested a requirement that both be screened. Mr. Teague explained the MPCA measures noise at the property line and the air conditioner at its current location exceeded the MPCA standards for decibel levels. Therefore, Staff recommended requiring testing by an acoustical engineer at the new location to assure it met the MPCA's threshold. Should the decibel level exceed MPCA standards at the new location, the proponent would be required to install sound attenuation equipment. Mr. Teague added the installation would raise the unit's height by 30 inches. The Council asked how close residents would be to the proposed location. It was indicated the closest resident was 30 feet from the current location, and the closest resident would be 100 feet from the proposed location. The Council noted the original landscaping plan was fairly extensive and discussed the option of requiring a berm. Mr. Teague advised that underground utilities would provide some challenges limiting the installation of a berm.

### **Proponent Presentation**

Kyle Klawitter, Walker and Associates, representing York Gardens, assured the Council this was not an intentional or willful act on the part of the project team. The project team first became aware of the situation when complaints were received from residents and shortly thereafter started to work on solutions in conjunction with City staff. Once the proponent realized that a variance was not a good solution, it decided the solution would be to move the air conditioner to the other side of the building. Mr. Klawitter stated the proponent would not object to planting 10-foot arborvitae; but noted a letter from the landscape architect outlining the lower survivability with spaded trees. Mr. Klawitter stated that requiring the installation of sound attenuation equipment at the current location would not solve sight issues and would require a building permit. He suggested the best solution was to move the air conditioning unit to reduce the sound level, plant landscaping to address sight issues, and if the noise levels were still too high, the noise attenuation equipment could be installed. Mr. Klawitter suggested the equipment be moved the week of September 5, 2011, when temperatures should be lower. It was noted the geothermal system came on line last week but there had been no abatement on use of the chiller due to the very hot weather being experienced.

Mr. Klawitter displayed the amended site plan and explained that the underground utilities and easement location would impact the ability to install an earth berm. He added the other air conditioner served 7500 York, not the proponent's property. Mr. Klawitter explained that due to cost, the mechanical system and construction documents had not been completed until after Council's approval which was why the air conditioning unit had not been identified on the site plan. The Council asked whether it was the proponent's intent to install the originally approved landscaping including trees. Mr. Klawitter answered affirmatively.

Mayor Hovland opened the public hearing at 8:13 p.m.

Public Testimony

Jody Virnig, 7420 Edinborough Way, #6217, addressed the Council.

**Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

The Council discussed issues raised during public testimony and indicated its concern that nearby residents will have endured excessive noise the entire summer. Council Members indicated their desire to immediately require installation of the noise attenuation equipment. The Council discussed the option of continuing the berm toward the north in addition to plantings but indicated landscaping would be adequate as the proposed installation site was adjacent to a parking lot. **Member Swenson introduced and moved adoption of Resolution No. 2011-72, approving an amendment to the Site Plan for the York Gardens project at 3451 Parklawn Avenue based on the following findings:**

1. The proposed plans are consistent with the approved Site Plan for the development.
2. The air conditioning unit would be properly screened and would not impact the building or parking areas.
3. The air conditioning unit would be relocated to move it farther away from adjacent residential property and farther away from the new building.

**Approval is subject to the following conditions:**

1. In addition to meeting the previously approved site plan conditions for the site, the site must be developed and maintained in conformance with the following plans, unless modified by the conditions below:
  - Site plan date-stamped June 23, 2011
  - Landscaping plan date-stamped June 23, 2011
  - Building elevations date-stamped June 23, 2011

2. Per Section 850.10. Subd. 3.B of the City's Zoning Ordinance, a letter of credit, performance bond or cash deposit must be submitted in the amount equal to 150% of the proposed landscaping.
3. The property owner is responsible for replacing any required landscaping that dies.
4. To verify that the unit complies with MPCA noise regulations, performance testing of daytime and nighttime standards is required. The testing must be conducted by an acoustical engineer in accordance with Minnesota Statutes Chapter 7030. The air conditioner unit must be operating at maximum capacity during the testing periods. Final test reports indicating compliance with the noise standards must be submitted to the Edina Health Department.
5. The applicant is required to plant 8-foot Arborvitae to screen the unit.
6. The current location of the chiller will be excavated and re-landscaped per previously approved landscape plan.
7. Noise abatement equipment must be ordered and installed immediately on the air conditioning unit in its current location and continue to be used at the new location. The noise abatement equipment should be installed by August 31, 2011, if possible. The applicant will work with staff to get the equipment installed in a timely manner.
8. The applicant shall apply for a building permit and begin preparing the new location for the air conditioning unit immediately.

Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

#### **VII. COMMUNITY COMMENT**

Wayne Carlson, 523 Coventry Lane, asked the Council to reconsider his request for four dogs based on its therapeutic benefit. Mayor Hovland suggested Mr. Carlson submit evidence of his Post Traumatic Stress Disorder diagnosis.

#### **VIII. REPORTS / RECOMMENDATIONS**

##### **VIII.A. RESOLUTION NO. 2011-73 ADOPTED – ACCEPTING VARIOUS DONATIONS**

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

**Member Bennett introduced and moved adoption of Resolution No. 2011-73 accepting various donations.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

##### **VIII.B. STUDENTS APPOINTED TO ADVISORY BOARDS AND COMMISSIONS**

The Council thanked Members Bennett and Brindle, who interviewed the student applicants, and considered their recommendations for appointment. Members Brindle and Bennett stated their favorable impression of student applicants and described the process used to formulate their recommendations.

**Member Bennett made a motion, seconded by Member Swenson, approving the following students for a term of one year beginning September 2, 2011:** Edina Art Center Board – Justin Moran, Tara Mohtadi; Edina Housing Foundation – Yasmeen Almog, Jamie Mayer; Energy & Environment Commission – Tara Gupta, Bevin Jennings; Edina Community Health Committee – Maggie Stang, Tyler Gieseke; and Heritage Preservation Board – Anna Ellingboe, Samuel Copman.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Brindle made a motion, seconded by Member Sprague, approving the following students for a term of one year beginning September 2, 2011:** Human Rights & Relations Commission – Gabe

Aderhold, Mackenzie Nolan; Park Board – James Neville, Patricia Weicht; Planning Commission – Emily Cherkassky, Matthew Rock; and, Transportation Commission – Steven Schweiger, Haley Housh.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VIII.C. MEMBERS APPOINTED TO ART CENTER BOARD AND HERITAGE PRESERVATION BOARD**

Mayor Hovland made a motion, seconded by Member Sprague, approving the Mayor's recommendation for appointments as follows: Art Center Board – Kitty O'Dea with a term ending February 1, 2013; and, Heritage Preservation Board – Robert Moore with a term ending February 1, 2012.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IX. CORRESPONDENCE AND PETITIONS** – Mayor Hovland acknowledged the Council's receipt of various correspondence.

**X. MAYOR AND COUNCIL COMMENTS** – Received

Due to resident questions relating to nearby remodeling, staff was asked to compile educational guidelines on Code requirements. Staff was also asked to clarify regulatory traffic signage in areas of road construction, possibly creating a webpage alerting of road reconstruction, and to draft a complaint response policy for process to be followed going forward. Assistant City Engineer Sullivan advised of the current policy to post advisory signage and inform impacted residents on a weekly basis of neighborhood projects and road closures.

**XI. MANAGER'S COMMENTS** – Received

**XII. ADJOURNMENT**

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:25 p.m.

Respectfully submitted,

Minutes approved by Edina City Council, August 3, 2011.

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Debra A. Mangen, City Clerk

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James B. Hovland, Mayor

Video Copy of the July 19, 2011, meeting available.